



Town of Lancaster

TOWN PLANNING BOARD

21 Central Avenue
LANCASTER, NEW YORK 14086

August 21, 2019

Planning Board Members:

Neil Connelly, Chairman
Rebecca Anderson
Anthony Gorski
Joseph Keefe
Stanley Jay Keysa III
Lawrence Korzeniewski
Kristin McCracken

Town Board Members:

Johanna Coleman, Supervisor
Adam Dickman
Dawn Gaczewski
Ronald Ruffino, Sr.
Matthew Walter

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Kevin E. Loftus

Town Highway Superintendent:

Daniel J. Amatura

Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held August 21, 2019. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Neil R. Connelly
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of August 2019 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
Rebecca Anderson, Member
Anthony Gorski, Member
Joseph Keefe, Member
Stanley Jay Keysa III, Member
Lawrence Korzeniewski, Member
Kristin McCracken, Member

EXCUSED: Matt Fischione, Code Enforcement Officer

ALSO PRESENT: None

Town Board Members: Johanna Coleman, Town Supervisor

Other Elected Officials: None

Town Staff: Ed Schiller, Engineering Consultant-Wm. Schutt & Assoc.
Kevin Loftus, Town Attorney
Cynthia Maciejewski, Recording Secretary

Meeting called to order by Chair Connelly at 7:00 P.M.

Pledge of Allegiance led by Chair Connelly.

Minutes-A motion was made by Kristin McCracken to approve the minutes from the August 7, 2019 Planning Board meeting with one change to the expansion of the retention pond for Ferguson Electric. Motion seconded by Rebecca Anderson and unanimously carried.

Chair Connelly discussed the Denial Memo for the Tom Ferry 3-Lot Subdivision. A Preliminary Plat Plan and a drainage plan need to be submitted to consider a 2-lot subdivision. Reconfiguring the entire parcel into two lots and eliminating the third lot was preferred. Drainage across lots is still a concern and there are no receivers on Nichter Road. The water should flow away from the home and be held on the parcel. Drainage for the third lot would be expensive and most likely cost prohibitive. The driveways would need to exit onto Nichter Road.

**Town of Lancaster Planning Board
Communications-August 21, 2019**

- 8.21.01 Copy of resolution adopted by Town Board on 8/05/19 approving the site plan for relocation of the proposed bio retention area and detention ponds at 73 Cemetery Rd.
- 8.21.02 Copy of resolution adopted by Town Board on 8/05/19 approving site plan for 36,000 sq. ft. addition at 4087 Walden Ave. with 3 conditions.
- 8.21.03 Copy of resolution adopted by Town Board on 8/05/19 approving site plan for addition of stone area for outdoor storage at 12 Wendling Ct. with 2 conditions.
- 8.21.04 Copy of resolution adopted by Town Board on 8/05/19 granting renewal of Special Use Permit for hair salon at 510 Town Line Rd., with 5 conditions.
- 8.21.05 ZBA minutes of the 8/08/19 meeting.
- 8.21.06 Copy of resolution adopted by Town Board on 8/05/19 approving site plan for 24 duplex style townhomes buildings at 3830-3860 Walden Ave. (Juniper Townhomes).
- 8.21.07 Notice dated 8/06/19 from Supervisor Coleman for 2020 budget preparation.
- 8.21.08 SEQR response dated 8/01/19 from NYS DEC regarding parking addition 4931 Transit Rd.
- 8.21.09 SEQR response dated 8/02/19 from Erie County Health Department regarding Dog Training Facility, Lancaster Parkway.

- 8.21.10 SEQR response dated 8/06/19 from Erie County DPW regarding Apple Rubber amended plan, 204 Cemetery Rd.
- 8.21.11 SEQR response dated 8/05/19 from ECWA regarding 73 Cemetery Rd.
- 8.21.12 SEQR response dated 8/05/19 from ECWA regarding 5680 Broadway.
- 8.21.13 SEQR response dated 8/05/19 from ECWA regarding Fairways Parking Lot, (Linguine's Restaurant), 5354 Genesee St.
- 8.21.14 Letter dated 8/13/19 from Ed Schiller, Town Engineer, with comments regarding proposed Dog Training Facility at 15 Lancaster Parkway.
- 8.21.15 Letter dated 8/13/19 from Ed Schiller, Town Engineer, with comments regarding 4931 Transit Rd.
- 8.21.16 SEQR response dated 8/16/19 from Erie County Division of Sewerage Management regarding Dog Training Facility at 15 Lancaster Parkway.
- 8.21.17 SEQR response dated 8/05/19 from Erie County Department of Environment and Planning regarding Dog Training Facility at 15 Lancaster Parkway.
- 8.21.18 SEQR response dated 8/09/19 from Erie County DPW regarding 3-lot minor subdivision at 272 Pavement Rd,
- 8.21.19 SEQR response dated 7/12/19 from Erie County Division of Sewerage Management regarding 3-lot subdivision at 272 Pavement Rd.
- 8.21.20 SEQR response dated 8/12/19 from US Army Corps of Engineers regarding Dog Training Facility at Lancaster Parkway. A wetland delineation is recommended.
- 8.21.21 SEQR response dated 8/08/19 from NYS DOT regarding Parker Hannifin 36,000 sq. ft. addition to existing facility.
- 8.21.22 SEQR response dated 8/13/19 from NYS DEC regarding 5680 Broadway.
- 8.21.23 SEQR response dated 8/08/19 from the Erie County DPW regarding 73 Cemetery Rd.
- 8.21.24 SEQR response dated 7/12/19 from Erie County Division of Sewerage Management regarding new parking area at Ferguson Electric, 3861 Walden Ave.
- 8.21.25 SEQR response dated 8/08/19 from Erie County Division of Environment and Planning regarding new parking addition at 4931 Transit Rd.

- 8.21.26 SEQR response dated 5/29/19 from Erie County Division of Sewerage Management regarding Colin Hurd, Inc. at 12 Wendling Ct.
- 8.21.27 Letter dated 8/09/19 from Kenneth Zollitsch, Greenman-Pedersen, Inc. to Kevin Loftus, with a Draft Scoping for the proposed Siebert Rd. subdivision.
- 8.21.28 Memo dated 8/20/19 from Diane Terranova, Town Clerk to Neil Connelly, PB Chair, and William Karn, Police Chief, which shows the schedule provided in the Special Use Permit for the NY International Raceway Park. Also included is a Buffalo News article indicating cars were still running after 11 PM, though the schedule stated they would finish by 10 PM.
- 8.21.29 Letter via email dated 8/12/19 from Tom Ferry, TLI Properties, to Neil Connelly, PB Chair, asking for clarification of the reasons the PB did not approve the 3-lot subdivision at 272 Pavement Rd.
- 8.21.30 Letter via email dated 8/15/19 from Neil Connelly, PB Chair, to Tom Ferry, indicating reasons for the denial of the 3-lot subdivision at 272 Pavement Rd.
- 8.21.31 Letter via email dated 8/19/19 from Tom Ferry to Neil Connelly, requesting that the subdivision of Lots 1 and 2, of the proposed 3-lot subdivision, be approved by the Planning Board.

Communication 8.21.27

Letter dated 8/09/19 from Kenneth Zollitsch, Greenman-Pedersen, Inc. to Kevin Loftus, with a Draft Scoping for the proposed Siebert Rd. Subdivision.

A Public Hearing is needed for the Siebert Road Subdivision Positive Declaration. A legal notice will be posted for a 30 day comment period and a Public Hearing held by the Planning Board on 9/4/19.

A motion was made by Neil Connelly to set a Public Hearing for the Siebert Rd. Subdivision at the 9/4/19 Planning Board meeting at 7:05 p.m. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

Anthony Gorski-Yes

Kristin McCracken-Yes

Joseph Keefe-Yes

Motion carried.

ZONING MAP REVIEW

The updated code will be received shortly from Chuck Malcomb. On Lake Avenue and Aurora Street there is a change in zoning from AR-Agricultural Residential to Residential. There are two working farms now in Residential zoning. A business such as the Aurora Garage is currently a non-conforming use and is zoned residential. Once the business closes, the property will only be allowed to be used as zoned.

The question was again asked as to how a property's change in zoning affects the property's assessment. A closer look should be given to septic areas that are classified as Agricultural Residential. Aggregates are still designated on the map. Park properties are zoned Agricultural Residential and Walden Pond is restricted in use due to Federal Acquisition. A zoning specific to parks may need to be created.

Power lines are shown running through Eastport Commons but the pipeline that runs through the Town is not shown on the map.

The current moratorium on rezone applications expires mid-September. The moratorium may not need to be extended, but if it does, then notification to the adjacent municipalities needs to happen quickly. Kevin Loftus, Town Attorney will look into this Thursday. Rezones do not have to be granted if they do not benefit the Town as a whole.

NOISE ORDINANCE REVIEW

There are two items to be addressed in the Noise Ordinance.

Sporting events, as spelled out in Chapter 38-7D, provides that events shall take place between the hours of 7:00 a.m. and 12:00 midnight local time. The Speedway runs passed their allowed time and creates complaints from residents on Monday morning.

Racers come here from all areas and require time to unload and set up for races.

Rain delays and accidents set them back and building time in for delays is difficult. The schedule of events for the raceway is submitted at the beginning of the year.

Hull House events are affected by the Speedway and sound proofing materials have been sought. The Police and the new owner of the Speedway have met and are working to be in compliance. The Special Use Permit is due next year and can be revoked if there are complaints. Beer tents are closed up by 11 p.m. and do not seem to create a problem and with fewer and fewer lawn fetes there are few or no complaints.

Snow removal by a service or the use of a snow blower has raised some concerns. The Town of Cheektowaga has a code specific to snow events. The Town Board can grant exceptions to applicants but this is not a preferred method.

Other items discussed:

The Implementation Committee will meet on 9/16/19.

At 8:10 p.m. a motion was made by Neil Connelly and seconded by Lawrence Korzeniewski to adjourn the meeting. Motion carried.